

AMENDED IN ASSEMBLY JANUARY 14, 2008

AMENDED IN ASSEMBLY JANUARY 7, 2008

AMENDED IN ASSEMBLY JUNE 14, 2007

AMENDED IN ASSEMBLY APRIL 24, 2007

AMENDED IN ASSEMBLY MARCH 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 591**

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**Introduced by Assembly Member Dymally**

February 21, 2007

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An act to amend Section 87482.5 of the Education Code, relating to community colleges.

### LEGISLATIVE COUNSEL'S DIGEST

AB 591, as amended, Dymally. Community colleges: non-tenure track temporary faculty employees.

~~(1) Existing~~

*Existing* law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires that a person employed to teach adult or community college classes for not more than 60% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee. Existing law provides that service in professional ancillary services, including, but not necessarily limited to, governance, staff development, grant writing, and advising student organizations, by persons employed under these provisions shall not

be used for purposes of calculating eligibility for contract or regular status unless otherwise provided for in a collective bargaining agreement applicable to a person employed under this provision.

This bill would instead provide that any person who is employed to teach adult or community college classes for up to 100% of the hours per week considered a full-time assignment for regular employees having comparable duties ~~would~~ *may* be classified as a non-tenure track temporary faculty employee.

~~To the extent that the bill would impose additional duties on community college districts with respect to the classification and compensation of academic employees, it would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*.  
State-mandated local program: ~~yes~~ *no*.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 87482.5 of the Education Code is  
2 amended to read:

3 87482.5. (a) (1) Notwithstanding any other provision of law,  
4 any person who is employed to teach adult or community college  
5 classes for up to 100 percent of the hours per week that constitute  
6 a full-time assignment for regular employees having comparable  
7 duties ~~shall~~ *may* be classified as a non-tenure track temporary  
8 faculty employee, ~~and shall not become a contract employee under~~  
9 ~~Section 87605. Any person classified as a non-tenure track~~  
10 ~~temporary faculty employee is not required to become a contract~~  
11 ~~employee for the purposes of Section 87605.~~

12 (2) As used in this section:

13 (A) “Non-tenure track” means that the faculty member teaches  
14 a number of hours equal to or less than the number of hours per  
15 week that constitute a full-time assignment for a tenured or

1 tenure-track faculty member, but is not on a tenure track, except  
2 in accordance with Sections 87481 and 87482.

3 (B) “Temporary” means that the faculty member’s position is  
4 for a limited term, and does not qualify him or her for evaluation  
5 for the possible conferral of tenured status, except in accordance  
6 with Sections 87481 and 87482.

7 (b) Service as a substitute on a day-to-day basis by persons  
8 employed under this section shall not be used for purposes of  
9 calculating eligibility for contract or tenured or tenure-track status.

10 (c) (1) Service in professional ancillary activities by persons  
11 employed under this section, including, but not necessarily limited  
12 to, governance, staff development, grant writing, and advising  
13 student organizations, shall not be used for purposes of calculating  
14 eligibility for contract or regular status unless otherwise provided  
15 for in a collective bargaining agreement applicable to a person  
16 employed under this section.

17 (2) This subdivision may not be construed to affect the  
18 requirements of subdivision (d) of Section 84362.

19 (d) All benefits, load calculations, and hiring may be subject to  
20 a collective bargaining process that includes exclusive  
21 representatives of full-time and non-tenure track temporary faculty  
22 employees serving at the institution.

23 ~~SEC. 2. If the Commission on State Mandates determines that~~  
24 ~~this act contains costs mandated by the state, reimbursement to~~  
25 ~~local agencies and school districts for those costs shall be made~~  
26 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
27 ~~4 of Title 2 of the Government Code.~~